



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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October 18, 2012

Kris Knowles
851 Grand Street
Morgantown, WV 26501

**RE: V12-32 / Knowles / 730 Werner Avenue
Tax Map 25, Parcel 345**

Dear Mr. Knowles:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition as it relates to a rear setback encroachment at 730 Werner Avenue.

The decision is as follows:

Board of Zoning Appeals, October 17, 2012:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. Variance relief was granted as requested and without condition thereby allowing for an approximate six (6) inch rear setback of the proposed uncovered porch measuring 5.5 feet deep by 8.5 feet wide as illustrated on the exhibits submitted with the respective variance petition.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

A handwritten signature in cursive script that reads 'Christopher M. Fletcher'.

Christopher M. Fletcher, AICP
Director of Development Services

ADDENDUM A – Approved Findings of Fact

V12-32 / Knowles / 730 Werner Avenue

Finding of Fact #1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The Board has already approved a rear setback encroachment of fourteen (14) feet (Case No. V11-24) for the building currently under construction. However, the Planning and Zoning Code does not permit encroachments by architectural features in the B-1 District (i.e., uncovered porches) as is permitted in other zoning districts where residential and mixed-residential development is permitted. The additional five and one-half foot encroachment for an uncovered rear porch does not appear to exacerbate or undermine the merits, spirit, or intent of the relief granted under Case No. V11-24.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of principal and accessory structures, along with related architectural features, within the immediate area that encroach into the required setbacks of the B-1 and R-1A Districts.

Finding of Fact #3 – The granting of this variance not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The granting of this variance would have no negative effect on public welfare or property values, as it allows the construction of a feature that appears to be consistent with the character of the neighborhood and surrounding properties.

Finding of Fact #4 – The granting of this variance not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The granting of this variance will have no effect on traffic congestion, as it has no bearing on city streets. The granting of this variance appears to integrate the patio and deck features of other developments within the immediate area.